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AB-967 Human remains disposal: alkaline hydrolysis: licensure and regulation. (2017-2018)

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Assembly Bill No. 967

CHAPTER 846

An act to amend, repeal, and add Sections 7611.9, 7672, 7672.1, 7672.2, 7672.3, 7672.4, 7672.6, 7672.7, 7673.1, and 7685.2 of, to add Sections 7611.12, 7653.35, 7653.36, 7712.11, and 7730.11 to, and to add Article 2.7 (commencing with Section 7639) to Chapter 12 of Division 3 of, the Business and Professions Code, and to amend, repeal, and add Sections 7003, 7010.3, 7010.7, 7011, 7011.2, 7015, 7016, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, 7054.6, 7055, 7116, 7117, 103055, 103060, and 103080 of, to add Sections 7002.5, 7006.1, 7006.4, 7006.6, 7006.8, 7010.1, 7017, and 7054.8 to, and to add Article 8 (commencing with Section 8370) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to disposal of human remains, and making an appropriation therefor.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 967, Gloria. Human remains disposal: alkaline hydrolysis: licensure and regulation.

The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematoria, funeral establishments, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law creates the Cemetery and Funeral Fund, which is continuously appropriated for the purpose of implementing the act. Under existing law, the violation of the act is a misdemeanor. Existing law requires a local registrar of births and deaths to issue permits for the disposition of cremated remains.

This bill, commencing July 1, 2020, would require the bureau to license and regulate hydrolysis facilities, as defined, and hydrolysis facility managers, and would enact requirements applicable to hydrolysis facilities substantially similar to those applicable to crematoria. By expanding the definition of crimes relating to the disposition of human remains and creating new crimes, this bill would impose a state-mandated local program. The bill would require an applicant for a hydrolysis facility license to present to the bureau any state or locally required permits for business operations, prove that it has the appropriate permits and contracts for the disposal of hydrolysate, and employ a hydrolysis chamber approved by the State Department of Public Health, as specified. The bill would require the application for a hydrolysis facility license to be made in writing on the form prescribed by the bureau and accompanied by a licensing fee, which would be deposited into the Cemetery and Funeral Fund. The bill also would authorize the bureau to impose an additional charge to be fixed at not more than \$8.50 per hydrolysis made during the preceding quarter. By depositing moneys in a continuously appropriated fund, this bill would make an appropriation. The bill would require a local registrar of births or deaths to issue permits for the disposition of hydrolyzed human remains. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7611.9 of the Business and Professions Code is amended to read:

7611.9. (a) A “cremated remains disposer” is a person who, for his or her own account or for another, disposes of, or offers to dispose of, cremated human remains by scattering over or on land or sea.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 2. Section 7611.9 is added to the Business and Professions Code, to read:

7611.9. (a) A “cremated remains disposer” is a person who, for his or her own account or for another, disposes of, or offers to dispose of, cremated human remains or hydrolyzed human remains by scattering over or on land or sea.

(b) This section shall become operative on July 1, 2020.

SEC. 3. Section 7611.12 is added to the Business and Professions Code, to read:

7611.12. (a) “Licensed hydrolysis facility” means a corporation, partnership, or natural person licensed pursuant to Article 2.7 (commencing with Section 7639). A licensed hydrolysis facility shall be considered a cemetery licensee for purposes of disciplinary action pursuant to Article 6 (commencing with Section 7686).

(b) This section shall become operative on July 1, 2020.

SEC. 4. Article 2.7 (commencing with Section 7639) is added to Chapter 12 of Division 3 of the Business and Professions Code, to read:

Article 2.7. Hydrolysis Facilities

7639. A corporation, partnership, or natural person may operate, establish, or maintain a hydrolysis facility with a valid hydrolysis facility license issued by the bureau.

7639.02. A change in the ownership of a hydrolysis facility shall be reported to the bureau. A transfer in a single transaction or related transactions of more than 50 percent of the equitable interest in a licensed hydrolysis facility shall constitute a change of ownership. When a change in ownership in a licensed hydrolysis facility occurs, the existing hydrolysis facility license shall lapse and the new owner shall obtain a license from the bureau as otherwise provided in this act. The bureau shall not require an applicant under this section to obtain any new permit or license from any other governmental agency when the existing permit or license is valid.

7639.04. The application for a hydrolysis facility license shall be made in writing on the form prescribed by the bureau and filed at the principal office of the bureau. The application shall be accompanied by the fees.

7639.06. (a) The bureau shall require an applicant for a hydrolysis facility license to prove compliance with all applicable laws, rules, regulations, ordinances, and orders, and shall not issue a hydrolysis facility license until the bureau is satisfied that the public interest, human health, and environmental quality will be served by the applicant.

(b) The applicant for a hydrolysis facility license shall present to the bureau any state or locally required permits for business operations, including, but not limited to, any permits required by the following, to the extent applicable:

(1) The local public health department.

(2) The city, county, special district, joint powers authority, or other public agency that provides wastewater treatment services where the licensed hydrolysis facility is to be located.

(3) The Department of Toxic Substances Control for the creation, collection, treatment, or transport of hazardous waste.

(4) Any other state or locally required permit.

(c) The applicant for a hydrolysis facility license shall prove to the bureau that it has the appropriate permits and contracts for the disposal of hydrolysate and which of the following models the facility will be using for the disposal:

(1) Discharge to the sewer collection system.

(2) Containment, collection, and transport to an appropriate treatment facility.

(d) When applying to renew a hydrolysis facility license, an applicant shall present to the bureau records of annual maintenance of the hydrolysis chamber.

7639.08. (a) The bureau shall adopt, and may from time to time amend, rules and regulations prescribing standards for applicants for hydrolysis facility licenses. In reviewing an application for a hydrolysis facility license, the bureau may consider acts of the applicant, including acts of the incorporators, officers, directors, and stockholders of the applicant, which shall constitute grounds for the denial of a hydrolysis facility license pursuant to Division 1.5 (commencing with Section 475).

(b) Hydrolysis chamber manufacturers may apply to the State Department of Public Health for approval of a hydrolysis chamber upon finding that the hydrolysis chamber causes the destruction of pathogenic micro-organisms pursuant to paragraph (3) of subdivision (a) of Section 118215 of the Health and Safety Code.

(c) In its approval, the State Department of Public Health shall specify the minimum parameters of pH, time, temperature, and pressure that must be used by each hydrolysis chamber to destroy all pathogenic micro-organisms. The department may use the guidance of the hydrolysis chamber operations and maintenance manual and biologic indicator spore testing to determine this, among other factors.

(d) The hydrolysis chamber manufacturer shall pay to the State Department of Public Health, the application and evaluation fee as outlined in Section 118245 of the Health and Safety Code.

(e) Every five years, licensed hydrolysis facilities that discharge hydrolysate to a sewer collection system shall submit to the Department of Public Health the results of biological indicator spore testing as well as the last 30 days of archived electronic hydrolysis chamber data which includes the pH, time, temperature, and pressure at which the chamber was operated. Based upon this information, the Department shall evaluate whether the chamber continues to destroy pathogens. The licensee shall include this evaluation in its application to renew its license. If the chamber is determined not to destroy pathogens, the Bureau shall not renew its license until this has been remedied. The Department may charge a fee sufficient to cover the actual hourly costs of staff conducting its five year review of the alternative technology.

(f) Once a hydrolysis chamber has been approved pursuant to subdivision (b), it may be employed by a licensed hydrolysis facility for the final disposition of human remains.

(g) The bureau shall grant hydrolysis facility licenses only to applicants that will employ a hydrolysis chamber approved by the State Department of Public Health pursuant to subdivision (b).

(h) A hydrolysis facility shall ensure or conduct annual maintenance of the hydrolysis chamber.

(i) The bureau shall not renew a hydrolysis facility license without proof of annual maintenance of the hydrolysis chamber.

7639.10. (a) A licensed hydrolysis facility shall not conduct hydrolysis unless all of the following requirements are met:

(1) The licensee has a written contract with the person or persons entitled to custody of the remains clearly stating the location, manner, and time of disposition of the remains, in which the person or persons entitled to custody of the remains agree to pay the licensee's regular fee for hydrolysis, disposition, and other services rendered, and any other contractual provisions required by the bureau.

(2) Hydrolysis of remains occurs not more than 24 hours after delivery of the remains to the licensee unless the remains have been preserved in the interim by refrigeration or embalming.

(3) The licensee has a contractual relationship with a licensed cemetery authority for final disposition of hydrolyzed human remains by burial, entombment, or inurnment of any and all remains that are not lawfully disposed of or that are not called for or accepted by the person or persons entitled to the custody and control of the disposition of those remains within 90 days of date of death.

(4) The licensee contains and collects all hydrolysate. Hydrolysate shall not be disposed of using a sewer collection system, except as prescribed in paragraph (8).

(5) The licensee ensures that any hydrolysate is transported by a state-licensed biomaterials handler to a publicly owned wastewater treatment plant or licensed industrial anaerobic digestion facility or waste-to-energy or biomass facility for the beneficial use or disposal of that hydrolysate, unless disposing of hydrolysate using a sewer collection system as prescribed in paragraph (8).

(6) Acceptance of hydrolysate from a licensed hydrolysis facility and a state-licensed biomaterials handler shall be voluntary and at the discretion of each individual facility described in paragraph (5).

(7) Acceptance of hydrolysate by a licensed industrial anaerobic digestion, waste-to-energy, or biomass facility, if the facility has an industrial process sewer connection to a sewer collection system, shall only be allowed with the consent of the publicly owned treatment works to which the sewer collection system is tributary.

(8) A licensed hydrolysis facility may dispose of hydrolysate using a sewer collection system only if all of the following conditions are met:

(A) The city, county, special district, joint powers authority, or other public agency that provides wastewater treatment and disposal services to the licensed hydrolysis facility expressly authorizes the disposal of hydrolysate into the sewer collection system. If issuance of a permit is required by another city, county, special district, joint powers authority, or other public agency that provides sewer collection services where the licensee is located, authorization from both agencies must be obtained.

(B) If the licensee receives the appropriate permissions required by subparagraph (A), the licensee shall comply with all local ordinances, pretreatment requirements, permitting requirements, waste discharge requirements, and all other applicable federal, state, and local laws, ordinances, and regulations governing the protection of water quality and public health, promotion of water recycling, and discharge into the sewer system.

(C) The licensee shall demonstrate compliance as deemed appropriate by the public agency or agencies authorizing the disposal of hydrolysate into the sewer collection system. At a minimum this should include annual water quality testing as prescribed by the public agency or agencies authorizing the disposal of hydrolysate into the sewer collection system.

(D) Authorization for disposal of hydrolysate using a sewer collection system shall be voluntary and at the discretion of each public agency described in subparagraph (A). Each public agency described in subparagraph (A) has the discretion to authorize or to prohibit the discharge of hydrolysate into a sewer collection system for any reason, including for purposes of promoting advanced water recycling systems.

(b) Existing alkaline hydrolysis facilities utilized by medical schools for the purpose of anatomical gifting shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (a), and shall continue to be regulated under the guidelines of the state's anatomical gifting regulations.

7639.12. A licensed hydrolysis facility shall not prohibit relatives or the responsible party from viewing the hydrolysis process.

7639.16. It is a misdemeanor for any person, firm, or corporation to hydrolyze human remains, or to engage in the disposition of hydrolyzed human remains, without a valid, unexpired hydrolysis facility license. Each hydrolysis carried out in violation of this section is a separate violation.

7639.18. A licensed hydrolysis facility shall be subject to, and shall be disciplined by the bureau in accordance with, Article 6 (commencing with Section 7686).

7639.19. This article shall become operative on July 1, 2020.

SEC. 5. Section 7653.35 is added to the Business and Professions Code, to read:

7653.35. (a) The bureau shall inspect the books, records, and premises of any hydrolysis facility licensed under this chapter. In making those inspections, the bureau shall have access to all books and records, the hydrolysis facility, the hydrolysis chamber, and the storage areas for human remains before and after hydrolysis, during regular office hours or the hours the hydrolysis facility is in operation. No prior notification of the inspection is required to be given to the hydrolysis facility licensee. If any hydrolysis facility licensee fails to allow that inspection or any part thereof, it shall be grounds for the suspension or revocation of a license or other disciplinary action against the licensee. All proceedings under this section shall be conducted in accordance with the provisions of this chapter relating to disciplinary proceedings.

(b) This section shall become operative on July 1, 2020.

SEC. 6. Section 7653.36 is added to the Business and Professions Code, to read:

7653.36. (a) The bureau shall annually conduct a minimum of one unannounced inspection of each licensed hydrolysis facility.

(b) This section shall become operative on July 1, 2020.

SEC. 7. Section 7672 of the Business and Professions Code is amended to read:

7672. (a) A person shall not dispose of or offer to dispose of any cremated human remains unless registered as a cremated remains disposer by the bureau. This article shall not apply to any person, partnership, or corporation holding a certificate of authority as a cemetery, crematory license, cemetery broker's license, cemetery salesperson's license, or funeral director's license, nor shall this article apply to any person having the right to control the disposition of the cremated remains of any person or that person's designee if the person does not dispose of or offer to dispose of more than 10 cremated human remains within any calendar year.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 8. Section 7672 is added to the Business and Professions Code, to read:

7672. (a) A person shall not dispose of or offer to dispose of any cremated human remains or hydrolyzed human remains unless registered as a cremated remains disposer by the bureau. This article shall not apply to any person, partnership, or corporation holding a certificate of authority as a cemetery, crematory license, hydrolysis facility license, cemetery broker's license, cemetery salesperson's license, or funeral director's license, nor shall this article apply to any person having the right to control the disposition of the cremated remains or hydrolyzed human remains of any person or that person's designee if the person does not dispose of or offer to dispose of more than 10 cremated human remains or hydrolyzed human remains within any calendar year.

(b) This section shall become operative on July 1, 2020.

SEC. 9. Section 7672.1 of the Business and Professions Code is amended to read:

7672.1. (a) Registration shall be on the form prescribed by the bureau and shall include, but not be limited to, the full name of the registrant, business and residence addresses, description and identification of aircraft or boats which may be used in dispensing cremated human remains, and the area to be served. Each registration application shall be accompanied by the cremated remains disposer fee.

(b) Every registered cremated remains disposer who dispenses human remains by air shall post a copy of his or her current pilot's license, and the address of the cremated remains storage area at his or her place of business. Every registered cremated remains disposer who dispenses human remains by boat shall post a copy of his or her current boating license and the address of the cremated remains storage area at his or her place of business.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 10. Section 7672.1 is added to the Business and Professions Code, to read:

7672.1. (a) Registration shall be on the form prescribed by the bureau and shall include, but not be limited to, the full name of the registrant, business and residence addresses, description and identification of aircraft or boats which may be used in dispensing cremated human remains or hydrolyzed human remains, and the area to be served. Each registration application shall be accompanied by the cremated remains disposer fee.

(b) Every registered cremated remains disposer who dispenses human remains by air shall post a copy of his or her current pilot's license, and the address of the cremated remains or hydrolyzed human remains storage area at his or her place of business. Every registered cremated remains disposer who dispenses human remains by boat shall post a copy of his or her current boating license and the address of the cremated remains or hydrolyzed human remains storage area at his or her place of business.

(c) This section shall become operative on July 1, 2020.

SEC. 11. Section 7672.2 of the Business and Professions Code is amended to read:

7672.2. (a) The bureau shall prepare and deliver to each registered cremated remains disposer a booklet that includes, but is not limited to, the following information: details about the registration and renewal requirements for cremated remains disposers; requirements for obtaining state permits to dispose of cremated human remains; state storage requirements, if any; statutory duties pursuant to this article, and other applicable state laws.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 12. Section 7672.2 is added to the Business and Professions Code, to read:

7672.2. (a) The bureau shall prepare and deliver to each registered cremated remains disposer a booklet that includes, but is not limited to, the following information: details about the registration and renewal requirements for cremated remains disposers; requirements for obtaining state permits to dispose of cremated human remains or hydrolyzed human remains; state storage requirements, if any; statutory duties pursuant to this article, and other applicable state laws.

(b) This section shall become operative on July 1, 2020.

SEC. 13. Section 7672.3 of the Business and Professions Code is amended to read:

7672.3. (a) All aircraft used for the scattering of cremated human remains shall be validly certified by the Federal Aviation Administration. All boats or vessels used for the scattering of cremated human remains shall be registered with the Department of Motor Vehicles or documented by a federal agency, as appropriate. The certification or registration shall be available for inspection by the bureau.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 14. Section 7672.3 is added to the Business and Professions Code, to read:

7672.3. (a) All aircraft used for the scattering of cremated human remains or hydrolyzed human remains shall be validly certified by the Federal Aviation Administration. All boats or vessels used for the scattering of cremated human remains or hydrolyzed human remains shall be registered with the Department of Motor Vehicles or documented by a federal agency, as appropriate. The certification or registration shall be available for inspection by the bureau.

(b) This section shall become operative on July 1, 2020.

SEC. 15. Section 7672.4 of the Business and Professions Code is amended to read:

7672.4. (a) A cremated remains disposer who scatters any cremated human remains without specific written instructions from the person having the right to control the disposition of the remains or who scatters any remains in a manner not in accordance with those instructions shall be subject to disciplinary action.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 16. Section 7672.4 is added to the Business and Professions Code, to read:

7672.4. (a) A cremated remains disposer who scatters any cremated human remains or hydrolyzed human remains without specific written instructions from the person having the right to control the disposition of the remains or who scatters any remains in a manner not in accordance with those instructions shall be subject to disciplinary action.

(b) This section shall become operative on July 1, 2020.

SEC. 17. Section 7672.6 of the Business and Professions Code is amended to read:

7672.6. (a) Every cremated remains disposer shall do both of the following:

(1) Dispose of cremated remains within 60 days of the receipt of those remains, unless a written signed reason for a delay is presented to the person with the right to control the disposition of the remains under Section 7100 of the Health and Safety Code.

(2) Provide the bureau with the address and telephone number of any storage facility being used by the registrant to store cremated remains. Cremated remains shall be stored in a place free from exposure to the elements, and shall be responsibly maintained until disposal. The bureau and its representatives shall conduct, on an annual basis, random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and is authorized to inspect any place used by a cremated remains disposer for the storage of cremated remains without notice to the cremated remains disposer.

(b) A violation of the requirements of this section is grounds for disciplinary action.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 18. Section 7672.6 is added to the Business and Professions Code, to read:

7672.6. (a) Every cremated remains disposer shall do both of the following:

(1) Dispose of cremated remains or hydrolyzed human remains within 60 days of the receipt of those remains, unless a written signed reason for a delay is presented to the person with the right to control the disposition of the remains under Section 7100 of the Health and Safety Code.

(2) Provide the bureau with the address and telephone number of any storage facility being used by the registrant to store cremated remains or hydrolyzed human remains. Cremated remains or hydrolyzed human remains shall be stored in a place free from exposure to the elements, and shall be responsibly maintained until disposal. The bureau and its representatives shall conduct, on an annual basis, random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and is authorized to inspect any place used by a cremated remains disposer for the storage of cremated remains or hydrolyzed human remains without notice to the cremated remains disposer.

(b) A violation of the requirements of this section is grounds for disciplinary action.

(c) This section shall become operative on July 1, 2020.

SEC. 19. Section 7672.7 of the Business and Professions Code is amended to read:

7672.7. (a) Each cremated remains disposer shall file, and thereafter maintain an updated copy of, an annual report on a form prescribed by the bureau. The report shall include, but not be limited to, the names of the deceased persons whose cremated remains were disposed of, the dates of receipt of the cremated remains, the names and addresses of the persons who authorized disposal of those remains, the dates and locations of disposal of those remains, and the means and manner of disposition. The report shall cover the fiscal year ending on June 30 and shall be filed with the bureau no later than September 30 of each year.

(b) Any cremated remains disposer that makes a willful and material false statement regarding the disposal of cremated remains in the annual report filed or updated pursuant to subdivision (a) shall be subject to disciplinary action.

(c) Any cremated remains disposer that makes a willful and material false statement in the annual report filed or updated pursuant to subdivision (a) shall be guilty of a misdemeanor.

(d) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 20. Section 7672.7 is added to the Business and Professions Code, to read:

7672.7. (a) Each cremated remains disposer shall file, and thereafter maintain an updated copy of, an annual report on a form prescribed by the bureau. The report shall include, but not be limited to, the names of the deceased persons whose cremated remains or hydrolyzed human remains were disposed of, the dates of receipt of the cremated remains or hydrolyzed human remains, the names and addresses of the persons who authorized disposal of those remains, the dates and locations of disposal of those remains, and the means and manner of disposition. The report shall cover the fiscal year ending on June 30 and shall be filed with the bureau no later than September 30 of each year.

(b) Any cremated remains disposer that makes a willful and material false statement regarding the disposal of cremated remains or hydrolyzed human remains in the annual report filed or updated pursuant to subdivision (a) shall be subject to disciplinary action.

(c) Any cremated remains disposer that makes a willful and material false statement in the annual report filed or updated pursuant to subdivision (a) shall be guilty of a misdemeanor.

(d) This section shall become operative on July 1, 2020.

SEC. 21. Section 7673.1 of the Business and Professions Code is amended to read:

7673.1. (a) Any cremated remains disposer who stores cremated remains in a reckless manner that results in either of the following is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment:

(1) Loss of all or part of the cremated remains.

(2) Inability to individually identify the cremated remains.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 22. Section 7673.1 is added to the Business and Professions Code, to read:

7673.1. (a) Any cremated remains disposer who stores cremated remains or hydrolyzed human remains in a reckless manner that results in either of the following is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment:

- (1) Loss of all or part of the cremated remains or hydrolyzed human remains.
- (2) Inability to individually identify the cremated remains or hydrolyzed human remains.

(b) This section shall become operative on July 1, 2020.

SEC. 23. Section 7685.2 of the Business and Professions Code is amended to read:

7685.2. (a) No funeral director shall enter into a contract for furnishing services or property in connection with the burial or other disposal of human remains until he or she has first submitted to the potential purchaser of those services or property a written or printed memorandum containing the following information, provided that information is available at the time of execution of the contract:

- (1) The total charge for the funeral director's services and the use of his or her facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.
- (2) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle, and clothing.
- (3) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery or crematory charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music, and any other advances as authorized by the purchaser.
- (4) An itemization of any other fees or charges not included above.
- (5) The total of the amount specified in paragraphs (1) to (4), inclusive.

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under such sections.

(b) A funeral establishment shall obtain from the person with the right to control the disposition pursuant to Section 7100 of the Health and Safety Code, or the person prearranging the cremation and disposition of his or her own remains, a signed declaration designating specific instructions with respect to the disposition of cremated remains. The bureau shall make available a form upon which the declaration shall be made. The form shall include, but not be limited to, the names of the persons with the right to control the disposition of the cremated remains and the person who is contracting for the cremation services; the name of the deceased; the name of the funeral establishment in possession of the remains; the name of the crematorium; and specific instructions regarding the manner, location, and other pertinent details regarding the disposition of cremated remains. The form shall be signed and dated by the person arranging for the cremation and the funeral director, employee, or agent of the funeral establishment in charge of arranging or prearranging the cremation service.

(c) A funeral director entering into a contract to furnish cremation services shall provide to the purchaser of cremation services, either on the first page of the contract for cremation services, or on a separate page attached to the contract, a written or printed notice containing the following information:

- (1) A person having the right to control disposition of cremated remains may remove the remains in a durable container from the place of cremation or interment, pursuant to Section 7054.6 of the Health and Safety Code.
- (2) If the cremated remains container cannot accommodate all cremated remains of the deceased, the crematory shall provide a larger cremated remains container at no additional cost, or place the excess in a second container that cannot easily come apart from the first, pursuant to Section 8345 of the Health and Safety Code.

(d) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 24. Section 7685.2 is added to the Business and Professions Code, to read:

7685.2. (a) No funeral director shall enter into a contract for furnishing services or property in connection with the burial or other disposal of human remains until he or she has first submitted to the potential purchaser of those services or property a written or printed memorandum containing the following information, provided that information is available at the time of execution of the contract:

(1) The total charge for the funeral director's services and the use of his or her facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.

(2) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle, and clothing.

(3) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery, crematory, or hydrolysis facility charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music, and any other advances as authorized by the purchaser.

(4) An itemization of any other fees or charges not included above.

(5) The total of the amount specified in paragraphs (1) to (4), inclusive.

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under such sections.

(b) A funeral establishment shall obtain from the person with the right to control the disposition pursuant to Section 7100 of the Health and Safety Code, or the person prearranging the cremation or hydrolysis and disposition of his or her own remains, a signed declaration designating specific instructions with respect to the disposition of cremated remains or hydrolyzed human remains. The bureau shall make available a form upon which the declaration shall be made. The form shall include, but not be limited to, the names of the persons with the right to control the disposition of the cremated remains or hydrolyzed human remains and the person who is contracting for the cremation or hydrolysis services; the name of the deceased; the name of the funeral establishment in possession of the remains; the name of the crematorium or hydrolysis facility; and specific instructions regarding the manner, location, and other pertinent details regarding the disposition of cremated remains or hydrolyzed human remains. The form shall be signed and dated by the person arranging for the cremation or hydrolysis and the funeral director, employee, or agent of the funeral establishment in charge of arranging or prearranging the cremation or hydrolysis service.

(c) A funeral director entering into a contract to furnish cremation or hydrolysis services shall provide to the purchaser of cremation or hydrolysis services, either on the first page of the contract for cremation or hydrolysis services, or on a separate page attached to the contract, a written or printed notice containing the following information:

(1) A person having the right to control disposition of cremated remains or hydrolyzed human remains may remove the remains in a durable container from the place of cremation, hydrolysis, or interment, pursuant to Section 7054.6 of the Health and Safety Code.

(2) If the cremated remains container or hydrolyzed human remains container cannot accommodate all cremated remains or hydrolyzed human remains of the deceased, the crematory or hydrolysis facility shall provide a larger cremated remains container or hydrolyzed human remains container at no additional cost, or place the excess in a second container that cannot easily come apart from the first, pursuant to Section 8345 of the Health and Safety Code.

(3) This section shall become operative on July 1, 2020.

SEC. 25. Section 7712.11 is added to the Business and Professions Code, to read:

7712.11. (a) Each hydrolysis facility for which a hydrolysis facility license is required shall be operated under the supervision of a manager qualified in accordance with rules adopted by the bureau. A licensed crematory manager may be designated as a hydrolysis facility manager with appropriate certification upon demonstrating an understanding of the applicable provisions of this code and of the Health and Safety Code, as determined by the bureau.

(b) A person shall not engage in the business of, act in the capacity of, or advertise or assume to act as, a hydrolysis facility manager without a valid crematory manager license and obtaining a certification from the bureau.

(c) This section shall become operative on July 1, 2020.

SEC. 26. Section 7730.11 is added to the Business and Professions Code, to read:

7730.11. (a) The bureau shall establish the fee to obtain or renew a hydrolysis facility license, which shall not exceed the reasonable cost of license administration.

(b) Every licensee operating a hydrolysis facility pursuant to a license issued pursuant to this article shall pay an additional charge to be fixed by the bureau of not more than eight dollars and fifty cents (\$8.50) per hydrolysis made during the preceding quarter, which charges shall be deposited into the Cemetery and Funeral Fund.

(c) This section shall become operative on July 1, 2020.

SEC. 27. Section 7002.5 is added to the Health and Safety Code, to read:

7002.5. (a) "Hydrolyzed human remains" means bone fragments of a human body that are left after hydrolysis in a hydrolysis facility. "Hydrolyzed human remains" does not include foreign materials, pacemakers, or prostheses.

(b) This section shall become operative on July 1, 2020.

SEC. 28. Section 7003 of the Health and Safety Code is amended to read:

7003. (a) "Cemetery" means either of the following:

(1) Any of the following that is used or intended to be used and dedicated for cemetery purposes:

(A) A burial park, for earth interments.

(B) A mausoleum, for crypt or vault interments.

(C) A crematory and columbarium, for cinerary interments.

(2) A place where six or more human bodies are buried.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 29. Section 7003 is added to the Health and Safety Code, to read:

7003. (a) "Cemetery" means either of the following:

(1) Any of the following that is used or intended to be used and dedicated for cemetery purposes:

(A) A burial park, for earth interments.

(B) A mausoleum, for crypt or vault interments.

(C) A crematory and columbarium, for interment of cremated remains or hydrolyzed human remains.

(2) A place where six or more human bodies are buried.

(b) This section shall become operative on July 1, 2020.

SEC. 30. Section 7006.1 is added to the Health and Safety Code, to read:

7006.1. (a) "Hydrolysis facility" means a building or structure containing one or more chambers for the reduction of bodies of deceased persons by alkaline hydrolysis.

(b) This section shall become operative on July 1, 2020.

SEC. 31. Section 7006.4 is added to the Health and Safety Code, to read:

7006.4. (a) "Hydrolysis chamber" means the enclosed space within which the hydrolysis of human remains is performed and any other attached, nonenclosed, mechanical components that are necessary for the safe and proper functioning of the equipment. Allowable hydrolysis chambers for the disposition of human remains shall meet or exceed State Department of Public Health and federal Centers for Disease Control and Prevention requirements applicable for destruction of human pathogens, specified in the hydrolysis chamber approval issued pursuant to Section 7639.08 of the Business and Professions Code.

(b) This section shall become operative on July 1, 2020.

SEC. 32. Section 7006.6 is added to the Health and Safety Code, to read:

7006.6. (a) "Hydrolysis container" means a hydrolyzable body wrapping into which the body of a deceased person is placed prior to insertion into a hydrolysis chamber. The wrapping must consist of 100-percent protein-based material, such as silk, suede, leather, feather, fur, or wool.

(b) This section shall become operative on July 1, 2020.

SEC. 33. Section 7006.8 is added to the Health and Safety Code, to read:

7006.8. (a) "Hydrolyzed human remains container" means a receptacle in which hydrolyzed human remains are placed after hydrolysis.

(b) This section shall become operative on July 1, 2020.

SEC. 34. Section 7010.1 is added to the Health and Safety Code, to read:

7010.1. (a) "Hydrolysis" means the process by which the following two steps are taken:

(1) The reduction of the body of a deceased person to its essential organic components and bone fragments by alkaline hydrolysis. "Alkaline hydrolysis" is a process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber.

(2) The processing of the remains after removal from the hydrolysis chamber pursuant to Section 7010.3.

(b) This section shall become operative on July 1, 2020.

SEC. 35. Section 7010.3 of the Health and Safety Code is amended to read:

7010.3. (a) "Processing" means the removal of foreign objects, pursuant to Section 7051, and the reduction of the particle size of cremated remains by mechanical means including, but not limited to, grinding, crushing, and pulverizing to a consistency appropriate for disposition.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 36. Section 7010.3 is added to the Health and Safety Code, to read:

7010.3. (a) "Processing" means the removal of foreign objects, pursuant to Section 7051, and the reduction of the particle size of cremated remains or hydrolyzed human remains by mechanical means including, but not limited to, grinding, crushing, and pulverizing to a consistency appropriate for disposition.

(b) This section shall become operative on July 1, 2020.

SEC. 37. Section 7010.7 of the Health and Safety Code is amended to read:

7010.7. (a) "Scattering" means the authorized dispersal of cremated remains at sea, in other areas of the state, or commingling in a defined area within a dedicated cemetery, in accordance with this part.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 38. Section 7010.7 is added to the Health and Safety Code, to read:

7010.7. (a) "Scattering" means the authorized dispersal of cremated remains or hydrolyzed human remains at sea, in other areas of the state, or commingling in a defined area within a dedicated cemetery, in accordance with this part.

(b) This section shall become operative on July 1, 2020.

SEC. 39. Section 7011 of the Health and Safety Code is amended to read:

7011. (a) "Inurnment" means placing cremated remains in a cremated remains container suitable for placement, burial, or shipment.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 40. Section 7011 is added to the Health and Safety Code, to read:

7011. (a) "Inurnment" means placing cremated remains or hydrolyzed human remains in a cremated remains container or hydrolyzed human remains container suitable for placement, burial, or shipment.

(b) This section shall become operative on July 1, 2020.

SEC. 41. Section 7011.2 of the Health and Safety Code is amended to read:

7011.2. (a) "Placement" means the placing of a container holding cremated remains in a crypt, vault, or niche.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 42. Section 7011.2 is added to the Health and Safety Code, to read:

7011.2. (a) "Placement" means the placing of a container holding cremated remains or hydrolyzed human remains in a crypt, vault, or niche.

(b) This section shall become operative on July 1, 2020.

SEC. 43. Section 7015 of the Health and Safety Code is amended to read:

7015. (a) "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 44. Section 7015 is added to the Health and Safety Code, to read:

7015. (a) "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb human remains that have been neither cremated nor hydrolyzed.

(b) This section shall become operative on July 1, 2020.

SEC. 45. Section 7016 of the Health and Safety Code is amended to read:

7016. (a) "Niche" means a space in a columbarium used, or intended to be used, for the placement of cremated human remains.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 46. Section 7016 is added to the Health and Safety Code, to read:

7016. (a) "Niche" means a space in a columbarium used, or intended to be used, for the placement of cremated human remains or hydrolyzed human remains.

(b) This section shall become operative on July 1, 2020.

SEC. 47. Section 7017 is added to the Health and Safety Code, to read:

7017. (a) "Hydrolysate" means the resultant liquid from the hydrolysis of human remains, which liquid is a sterile, benign, micronutrient-rich solution consisting of sugars, salts, peptides, and amino acids. Hydrolysate and calcium phosphate "ashes" are the two end results from the alkaline hydrolysis process.

(b) This section shall become operative on July 1, 2020.

SEC. 48. Section 7051 of the Health and Safety Code is amended to read:

7051. (a) Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) This section shall not prohibit the removal of foreign materials, pacemakers, or prostheses from cremated remains by an employee of a licensed crematory prior to final processing of ashes. Dental gold or silver, jewelry, or mementos, to the extent that they can be identified, may be removed by the employee prior to final processing if the equipment is such that it will not process these materials. However, any dental gold and silver, jewelry, or mementos that are removed shall be returned to the urn or cremated remains container, unless otherwise directed by the person or persons having the right to control the disposition.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 49. Section 7051 is added to the Health and Safety Code, to read:

7051. (a) Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, cremation, or hydrolysis, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) This section shall not prohibit the removal of foreign materials, pacemakers, or prostheses from cremated remains or hydrolyzed human remains by an employee of a licensed crematory or licensed hydrolysis facility prior to final processing of remains. Dental gold or silver, jewelry, or mementos, to the extent that they can be identified, may be removed by the employee prior to final processing if the equipment is such that it will not process these materials. However, any dental gold and silver, jewelry, or mementos that are removed shall be returned to the urn, cremated remains container, or hydrolyzed human remains container, unless otherwise directed by the person or persons having the right to control the disposition.

(c) This section shall become operative on July 1, 2020.

SEC. 50. Section 7051.5 of the Health and Safety Code is amended to read:

7051.5. (a) Every person who removes or possesses dental gold or silver, jewelry, or mementos from any human remains without specific written permission of the person or persons having the right to control those remains under Section 7100 is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code. The fact that residue and any unavoidable dental gold or dental silver, or other precious metals remain in the cremation chamber or other equipment or any container used in a prior cremation is not a violation of this section.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 51. Section 7051.5 is added to the Health and Safety Code, to read:

7051.5. (a) Every person who removes or possesses dental gold or silver, jewelry, or mementos from any human remains without specific written permission of the person or persons having the right to control those remains under Section 7100 is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code. The fact that residue and any unavoidable dental gold or dental silver, or other precious metals remain in the cremation chamber, hydrolysis chamber, or other equipment or any container used in a prior cremation or hydrolysis is not a violation of this section.

(b) This section shall become operative on July 1, 2020.

SEC. 52. Section 7052 of the Health and Safety Code is amended to read:

7052. (a) Every person who willfully mutilates, disinters, removes from the place of interment, or commits an act of sexual penetration on, or has sexual contact with, any remains known to be human, without authority of law, is guilty of a felony. This section does not apply to any person who, under authority of law, removes the remains for reinterment, or performs a cremation.

(b) For purposes of this section, the following definitions apply:

(1) "Sexual penetration" means the unlawful penetration of the vagina or anus, however slight, by any part of a person's body or other object, or any act of sexual contact between the sex organs of a person and the mouth or anus of a dead body, or any oral copulation of a dead human body for the purpose of sexual arousal, gratification, or abuse.

(2) "Sexual contact" means any willful touching by a person of an intimate part of a dead human body for the purpose of sexual arousal, gratification, or abuse.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 53. Section 7052 is added to the Health and Safety Code, to read:

7052. (a) Every person who willfully mutilates, disinters, removes from the place of interment, or commits an act of sexual penetration on, or has sexual contact with, any remains known to be human, without authority of law, is guilty of a felony. This section does not apply to any person who, under authority of law, removes the remains for reinterment, or performs a cremation or hydrolysis.

(b) For purposes of this section, the following definitions apply:

(1) "Sexual penetration" means the unlawful penetration of the vagina or anus, however slight, by any part of a person's body or other object, or any act of sexual contact between the sex organs of a person and the mouth or anus of a dead body, or any oral copulation of a dead human body for the purpose of sexual arousal, gratification, or abuse.

(2) "Sexual contact" means any willful touching by a person of an intimate part of a dead human body for the purpose of sexual arousal, gratification, or abuse.

(c) This section shall become operative on July 1, 2020.

SEC. 54. Section 7052.5 of the Health and Safety Code is amended to read:

7052.5. (a) Notwithstanding the provisions of Section 7052, cremated remains may be removed from the place of interment for disposition as provided in Section 7054.6 or for burial at sea as provided in Section 7117.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 55. Section 7052.5 is added to the Health and Safety Code, to read:

7052.5. (a) Notwithstanding the provisions of Section 7052, cremated remains or hydrolyzed human remains may be removed from the place of interment for disposition as provided in Section 7054.6 or for burial at sea as provided in Section 7117.

(b) This section shall become operative on July 1, 2020.

SEC. 56. Section 7054 of the Health and Safety Code is amended to read:

7054. (a) (1) Except as authorized pursuant to the sections referred to in subdivision (b), every person who deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor.

(2) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code and the agents and employees of the licensee or registrant, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who, except as authorized pursuant to the sections referred to in subdivision (b), deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) Cremated remains may be disposed of pursuant to Sections 7054.6, 7116, 7117, and 103060.

(c) Subdivision (a) of this section shall not apply to the reburial of Native American remains under an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code, or implementation of a recommendation or agreement made pursuant to Section 5097.98 of the Public Resources Code.

(d) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 57. Section 7054 is added to the Health and Safety Code, to read:

7054. (a) (1) Except as authorized pursuant to the sections referred to in subdivision (b), every person who deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor.

(2) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code and the agents and employees of the licensee or registrant, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who, except as authorized pursuant to the sections referred to in subdivision (b), deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) Cremated remains or hydrolyzed human remains may be disposed of pursuant to Sections 7054.6, 7116, 7117, and 103060.

(c) Subdivision (a) of this section shall not apply to the reburial of Native American remains under an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code, or implementation of a recommendation or agreement made pursuant to Section 5097.98 of the Public Resources Code.

(d) This section shall become operative on July 1, 2020.

SEC. 58. Section 7054.1 of the Health and Safety Code is amended to read:

7054.1. (a) No cremated remains shall be removed from the place of cremation, nor shall there be any charge for the cremation, unless the cremated remains have been processed so that they are suitable for inurnment within a cremated remains container or an urn. Every contract for cremation services shall include specific written notification of the processing to the person having the right to control the disposition of the remains under Section 7100.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 59. Section 7054.1 is added to the Health and Safety Code, to read:

7054.1. (a) No cremated remains or hydrolyzed human remains shall be removed from the place of cremation or hydrolysis, nor shall there be any charge for the cremation or hydrolysis, unless the cremated remains or hydrolyzed human remains have been processed so that they are suitable for inurnment within a cremated remains container, hydrolyzed human remains container, or an urn. Every contract for cremation or hydrolysis services shall include specific written notification of the processing to the person having the right to control the disposition of the remains under Section 7100.

(b) This section shall become operative on July 1, 2020.

SEC. 60. Section 7054.6 of the Health and Safety Code is amended to read:

7054.6. (a) Except as provided in subdivision (b), cremated remains may be removed in a durable container from the place of cremation or interment and kept in or on the real property owned or occupied by a person described in Section 7100 or any other person, with the permission of the person with the right to disposition, or the durable container holding the cremated remains may be kept in a church or religious shrine, if written permission of the church or religious shrine is obtained and there is no conflict with local use permit requirements or zoning laws, if the removal is under the authority of a permit for disposition granted under Section 103060. The placement, in any place, of six or more cremated remains under this section does not constitute the place a cemetery, as defined in Section 7003.

(b) Notwithstanding any other provision of law, cremated remains may be placed in one or more keepsake urns. Keepsake urns shall be kept as authorized by the person or persons with the right to control disposition pursuant to Section 7100, provided that a permit for disposition of human remains pursuant to Section 103060 is issued by the local registrar for each keepsake urn designating the home address of each person receiving a keepsake urn and a permit fee pursuant to Section 103065 is paid. No keepsake urn shall be subject to Section 8345. For purposes of this section, a keepsake urn shall mean a closed durable container that will accommodate an amount of cremated remains not to exceed one cubic centimeter.

(c) Prior to disposition of cremated remains, every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee or registrant shall do all of the following:

- (1) Remove the cremated remains from the place of cremation in a durable container.
- (2) Keep the cremated remains in a durable container.
- (3) Store the cremated remains in a place free from exposure to the elements.
- (4) Responsibly maintain the cremated remains.

(d) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 61. Section 7054.6 is added to the Health and Safety Code, to read:

7054.6. (a) Except as provided in subdivision (b), cremated remains or hydrolyzed human remains may be removed in a durable container from the place of cremation, hydrolysis, or interment and kept in or on the real property owned or occupied by a person described in Section 7100 or any other person, with the permission of the person with the right to disposition, or the durable container holding the cremated remains or hydrolyzed human remains may be kept in a church or religious shrine, if written permission of the church or religious shrine is obtained and there is no conflict with local use permit requirements or zoning laws, if the removal is under the authority of a permit for disposition granted under Section 103060. The placement, in any place, of six or more cremated remains or hydrolyzed human remains under this section does not constitute the place a cemetery, as defined in Section 7003.

(b) Notwithstanding any other provision of law, cremated remains or hydrolyzed human remains may be placed in one or more keepsake urns. Keepsake urns shall be kept as authorized by the person or persons with the right to control disposition pursuant to Section 7100, provided that a permit for disposition of human remains pursuant to Section 103060 is issued by the local registrar for each keepsake urn designating the home address of each person receiving a keepsake urn and a permit fee pursuant to Section 103065 is paid. No keepsake urn shall be subject to Section 8345. For purposes of this section, a keepsake urn shall mean a closed durable container that will accommodate an amount of cremated remains or hydrolyzed human remains not to exceed one cubic centimeter.

(c) Prior to disposition of cremated remains or hydrolyzed human remains, every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee or registrant shall do all of the following:

- (1) Remove the cremated remains or hydrolyzed human remains from the place of cremation or hydrolysis in a durable container.
- (2) Keep the cremated remains or hydrolyzed human remains in a durable container.
- (3) Store the cremated remains or hydrolyzed human remains in a place free from exposure to the elements.
- (4) Responsibly maintain the cremated remains or hydrolyzed human remains.

(d) This section shall become operative on July 1, 2020.

SEC. 62. Section 7054.8 is added to the Health and Safety Code, to read:

7054.8. (a) Except with the express written permission of the person entitled to control the disposition of the remains, no person shall do any of the following:

- (1) Hydrolyze the remains of more than one person at the same time in the same hydrolysis chamber, or introduce the remains of a second person into a hydrolysis chamber until dissolution of any preceding remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding remains. The fact that there is residue in the hydrolysis chamber or other equipment or any container used in a prior hydrolysis is not a violation of this section.
- (2) Dispose of or scatter hydrolyzed human remains in a manner or in such a location that the remains are commingled with those of another person. This paragraph shall not apply to the scattering of hydrolyzed human remains at sea from individual containers or to the disposal in a dedicated cemetery of accumulated residue removed from processing equipment.
- (3) Place hydrolyzed human remains or other remains of more than one person in the same container or the same interment space. This paragraph shall not apply to the following:
 - (A) Interment of members of the same family in a common container designed for the hydrolyzed human remains of more than one person.
 - (B) Interment in a space or container that has been previously designated at the time of sale as being intended for the interment of remains of more than one person.
 - (C) Disposal in a dedicated cemetery of residue removed from processing equipment.

(b) Written acknowledgment from the person entitled to control the disposition of the hydrolyzed human remains shall be obtained by the person with whom arrangements are made for disposition of the remains on a form that includes, but is not limited to, the following information: "The human body is hydrolyzed with organic protein-based material such as wool, silk, cotton, or other protein-based material in the hydrolysis chamber. Bone fragments are not hydrolyzable and, as a result, remain in the chamber. The hydrolyzed remains will be dried and crushed, pulverized, or ground to facilitate inurnment or scattering." The acknowledgment shall be filed and retained, for at least five years, by the person who disposes of or interments the remains.

(c) A person, including any corporation or partnership, that violates any provision of this section is guilty of a misdemeanor.

(d) This section shall become operative on July 1, 2020.

SEC. 63. Section 7055 of the Health and Safety Code is amended to read:

7055. (a) Every person, who for himself or herself or for another person, interments or incinerates a body or permits the same to be done, or removes any remains, other than cremated remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has willfully

donated his or her body to the medical college from that registration district or county to another registration district or county, or within the same registration district or county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows:

(1) For the first offense, by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(2) For each subsequent offense, by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when he or she is acting within the requirements specified in subdivision (b) of Section 103050.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 64. Section 7055 is added to the Health and Safety Code, to read:

7055. (a) Every person, who for himself or herself or for another person, interrs, cremates, or hydrolyzes a body or permits the same to be done, or removes any remains, other than cremated remains or hydrolyzed human remains, from the primary registration district in which the death, cremation, or hydrolysis occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has willfully donated his or her body to the medical college from that registration district or county to another registration district or county, or within the same registration district or county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, removes cremated remains from the premises on which the cremation occurred, or removes hydrolyzed human remains from the premises on which the hydrolysis occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows:

(1) For the first offense, by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(2) For each subsequent offense, by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when he or she is acting within the requirements specified in subdivision (b) of Section 103050.

(c) This section shall become operative on July 1, 2020.

SEC. 65. Section 7116 of the Health and Safety Code is amended to read:

7116. (a) Cremated remains may be scattered in areas where no local prohibition exists, provided that the cremated remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the cremated remains has obtained written permission of the property owner or governing agency to scatter on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing, consistent with this section, or specifically prohibiting, the scattering of cremated human remains on lands under the agency's jurisdiction. The scattering of the cremated remains of more than one person in one location pursuant to this section shall not create a cemetery pursuant to Section 7003 or any other provision of law.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 66. Section 7116 is added to the Health and Safety Code, to read:

7116. (a) Cremated remains or hydrolyzed human remains may be scattered in areas where no local prohibition exists, provided that the cremated remains or hydrolyzed human remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the cremated remains or hydrolyzed human remains has obtained written permission of the property owner or governing agency to scatter on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing, consistent with this section, or specifically prohibiting, the scattering of cremated human remains or hydrolyzed human remains on lands under the agency's jurisdiction. The scattering of the cremated remains or hydrolyzed human remains of more than one person in one location pursuant to this section shall not create a cemetery pursuant to Section 7003 or any other provision of law.

(b) This section shall become operative on July 1, 2020.

SEC. 67. Section 7117 of the Health and Safety Code is amended to read:

7117. (a) Cremated remains may be taken by boat from any harbor in this state, or by air, and scattered at sea. Cremated remains shall be removed from their container before the remains are scattered at sea.

(b) Any person who scatters at sea, either from a boat or from the air, any human cremated remains shall, file with the local registrar of births and deaths in the county nearest the point where the remains were scattered, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains were scattered, and any other information that the local registrar of births and deaths may require. The first copy of the endorsed permit shall be filed with the local registrar of births and deaths within 10 days of disposition. The third copy shall be returned to the office of issuance.

(c) For purposes of this section, the phrase "at sea" includes the inland navigable waters of this state, exclusive of lakes and streams, provided that no such scattering may take place within 500 yards of the shoreline. Nothing in this section shall be construed to allow the scattering of cremated human remains from a bridge or pier.

(d) Notwithstanding any other provision of this code, the cremated remains of a deceased person may be scattered at sea as provided in this section and Section 103060.

(e) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 68. Section 7117 is added to the Health and Safety Code, to read:

7117. (a) Cremated remains or hydrolyzed human remains may be taken by boat from any harbor in this state, or by air, and scattered at sea. Cremated remains or hydrolyzed human remains shall be removed from their container before the remains are scattered at sea.

(b) Any person who scatters at sea, either from a boat or from the air, any human cremated remains or hydrolyzed human remains shall file with the local registrar of births and deaths in the county nearest the point where the remains were scattered, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains or hydrolyzed human remains were scattered, and any other information that the local registrar of births and deaths may require. The first copy of the endorsed permit shall be filed with the local registrar of births and deaths within 10 days of disposition. The third copy shall be returned to the office of issuance.

(c) For purposes of this section, the phrase "at sea" includes the inland navigable waters of this state, exclusive of lakes and streams, provided that no such scattering may take place within 500 yards of the shoreline. Nothing in this section shall be construed to allow the scattering of cremated human remains or hydrolyzed human remains from a bridge or pier.

(d) Notwithstanding any other provision of this code, the cremated remains or hydrolyzed human remains of a deceased person may be scattered at sea as provided in this section and Section 103060.

(e) This section shall become operative on July 1, 2020.

SEC. 69. Article 8 (commencing with Section 8370) is added to Chapter 2 of Part 3 of Division 8 of the Health and Safety Code, to read:

Article 8. Hydrolysis Facilities

8370. All hydrolyzed human remains not disposed of in accordance with this chapter, within one year, shall be interred.

8372. A hydrolysis facility shall not make or enforce any rules requiring that human remains be placed in a casket before hydrolysis or that human remains be hydrolyzed in a casket, nor shall a hydrolysis facility refuse to accept human remains for hydrolysis for the reason that they are not in a casket. Every director, officer, agent, or representative of a hydrolysis facility who violates this section is guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the requiring of some type of container or disposal unit, as specified in Section 7006.6.

8374. (a) A hydrolysis facility shall maintain on its premises, or other business location within the state, an accurate record of all hydrolyses performed, including all of the following information:

(1) Name of the referring funeral director, if any.

(2) Name of the deceased.

(3) Date of the hydrolysis.

(4) Name of the hydrolysis chamber operator.

(5) Disposition of the hydrolyzed human remains.

(6) Time and date that the body was inserted into the hydrolysis chamber.

(7) Time and date that the body was removed from the hydrolysis chamber.

(8) Time and date that final processing of the hydrolyzed human remains was complete.

(9) Name and address of the authorizing agent.

(10) Identification number assigned to the deceased, pursuant to Section 8376.

(11) A photocopy of the disposition permit filed in connection with the disposition.

(12) Any documentation of compliance with appropriate environmental and safety laws.

(13) Body mass of the deceased, along with temperature, time duration, and pressure at which the hydrolysis was performed.

(b) A hydrolysis facility shall maintain on its premises, or other business location within the state, records of the maintenance performed on the hydrolysis chamber.

(c) Information described in this section shall be maintained for at least 10 years after the hydrolysis is performed and shall be subject to inspection by the Cemetery and Funeral Bureau.

8376. (a) A hydrolysis facility shall maintain an identification system allowing identification of each decedent beginning from the time the hydrolysis facility accepts delivery of human remains until the point at which it releases the hydrolyzed human remains to a third party. After hydrolysis, an identifying disk, tab, or other permanent label shall be placed with the urn or hydrolyzed human remains container before the hydrolyzed human remains are released from the hydrolysis facility. Each identification disk, tab, or label shall contain the license number of the hydrolysis facility and shall have a unique number that shall be recorded on all documents regarding the decedent and in the hydrolysis log. Each hydrolysis facility shall maintain a written procedure for identification of remains. The identification requirements pertaining to an identifying disk, tab, or other label to be placed within the urn or hydrolyzed human remains container shall not apply to hydrolyzed human remains placed in a keepsake urn pursuant to subdivision (b) of Section 7054.6 if space does not permit.

(b) A hydrolysis facility that fails, when requested by an official of the Cemetery and Funeral Bureau, to produce a written procedure for identification of remains shall have 15 working days from the time of the request to produce an identification procedure for review by the chief of the Cemetery and Funeral Bureau. The license of the hydrolysis facility shall be suspended pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no identification procedure is produced for review after 15 working days have elapsed.

8378. Within two hours after a licensed hydrolysis facility takes custody of a body that has not been embalmed, it shall refrigerate the body at a temperature not greater than 50 degrees Fahrenheit, unless the hydrolysis process will begin within 24 hours of the time that the hydrolysis facility took custody.

8380. (a) The hydrolysis facility licensee, or its authorized representatives, shall provide instruction to all hydrolysis facility personnel involved in the hydrolysis process. This instruction shall lead to a demonstrated knowledge on the part of an employee regarding identification procedures used during hydrolysis, operation of the hydrolysis chamber and processing equipment, safe work practices and procedures for the handling of corrosive materials, and all laws relevant to the handling of a body and hydrolyzed human remains. This instruction shall be outlined in a written plan maintained by the hydrolysis facility licensee for inspection and comment by an inspector of the Cemetery and Funeral Bureau.

(b) No employee shall be allowed to operate any hydrolysis equipment until the employee has demonstrated to the certified manager of a licensed hydrolysis facility or authorized representative of the licensee that the employee understands the procedures required to ensure that health and safety conditions are maintained at the hydrolysis facility and that hydrolyzed human remains are not commingled other than for acceptable residue, as defined. The hydrolysis facility licensee shall maintain a record to document that an employee has received the training specified in this section.

(c) A hydrolysis facility that fails, when requested by an official of the bureau, to produce a written employee instruction plan or record of employee training for inspection shall have 15 working days from the time of the request to produce a plan or training record for review by the chief of the Cemetery and Funeral Bureau. The license of a hydrolysis facility shall be suspended,

pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no plan or training record is produced for review after 15 working days have elapsed.

8382. This article shall become operative on July 1, 2020.

SEC. 70. Section 103055 of the Health and Safety Code is amended to read:

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition that, in all cases, shall specify any one of the following:

- (1) The name of the cemetery where the remains shall be interred.
- (2) Burial at sea as provided in Section 7117.
- (3) The address or description of the place where remains shall be buried or scattered.
- (4) The address of the location where the cremated remains will be kept, as provided in Section 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 71. Section 103055 is added to the Health and Safety Code, to read:

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, that in all cases, shall specify any one of the following:

- (1) The name of the cemetery where the remains shall be interred.
- (2) Burial at sea as provided in Section 7117.
- (3) The address or description of the place where remains shall be buried or scattered.
- (4) The address of the location where the cremated remains or hydrolyzed human remains will be kept, as provided in Section 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

(c) This section shall become operative on July 1, 2020.

SEC. 72. Section 103060 of the Health and Safety Code is amended to read:

103060. (a) A permit for disposition for the purpose of removing cremated remains from the place of cremation or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar to the person having the right to control the disposition of the remains under Section 7100 upon the application of that person.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained by him or her pursuant to this section.

(d) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 73. Section 103060 is added to the Health and Safety Code, to read:

103060. (a) A permit for disposition for the purpose of removing cremated remains or hydrolyzed human remains from the place of cremation, hydrolysis, or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar to the person having the right to control the disposition of the remains under Section 7100 upon the application of that person.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained by him or her pursuant to this section.

(d) This section shall become operative on July 1, 2020.

SEC. 74. Section 103080 of the Health and Safety Code is amended to read:

103080. (a) The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment or cremation, and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the interment took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained by the local registrar pursuant to this section.

(b) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

SEC. 75. Section 103080 is added to the Health and Safety Code, to read:

103080. (a) The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment, hydrolysis, or cremation, and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the interment took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained by the local registrar pursuant to this section.

(b) This section shall become operative on July 1, 2020.

SEC. 76. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.